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MEMO ENDORSED

U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
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March 24, 2021

Via ECF

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square, Courtroom 443
New York, New York 10007

Re: United States v. Armando Gomez, et ano., 18 Cr. 262 (VEC)

Dear Judge Caproni:

We write pursuant to the Court's March 15, 2021 order to update the Court on the status of the above-referenced matter in advance of the April 2, 2021 status conference. (Dkt. 77). Defendant Fabio Simon Younes Arboleda arrived in this District in November 2020, and his review of discovery material with counsel remains ongoing. In addition, while the parties continue to discuss a potential disposition, defendant Armando Gomez recently tested positive for COVID-19 and he and his unit were placed in quarantine, interrupting defense counsel's communications regarding a possible disposition with him and their ongoing review of discovery material.

The defendants report to the Court that the voluminous discovery includes numerous recordings of hours long meetings during which Spanish is spoken. In many instances, the audio quality is poor because the meetings are conducted in public spaces such as hotel restaurants, with ambient background noise and cross conversations. Other recordings were derived from body wires. Although there are rough English translations and/or summaries of the meetings, those translations do not have corresponding text in Spanish. Not having corresponding text makes it exceedingly difficult to direct the defendants' attention to specific lines from meetings. Additionally, attorney meetings with the two defendants at the Westchester County Jail over Webex are limited to fifty minutes at a time. As such, both defendants respectfully request additional time in this matter.

Finally, while the parties remain available to appear as scheduled on April 2, 2021, to the extent the Court wishes to adjourn this conference, the Government respectfully requests, with the consent of defense counsel, that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(6) and (7)(A), until the date of the next status conference, as the defendant's co-defendant remains a fugitive, so that defense counsel can continue to review the discovery material and contemplate potential motions, and due to the COVID-19 pandemic.

Respectfully submitted,

AUDREY STRAUSS
United States Attorney

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cc: Margaret M. Shalley, Esq. and Donald Yannella, Esq. (by ECF)

The status conference currently scheduled for Friday, April 2, 2021, at 2:30 P.M. is hereby adjourned to **Friday, July 2, 2021, at 2:00 P.M.** By no later than **Wednesday, June 23, 2021**, the parties must file a joint status update.

The Court notes that no speedy trial exclusion is necessary as a co-defendant in this case, Seuxis Paucis Hernandez-Solarte, is a fugitive for whom the clock is not running. *See* 18 U.S.C. § 3161(h)(6). But were this not the case, an exclusion would be appropriate because the ends of justice served by taking such action outweigh the best interest of the public and the Defendant in a speedy trial given the volume of discovery and the logistical difficulties of trial preparation caused by COVID-19.

SO ORDERED.



Date: March 24, 2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE